

## STANDARDS AND ETHICS COMMITTEE

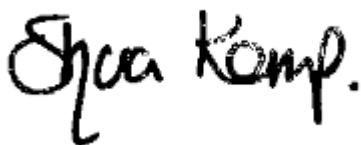
Venue: Town Hall, Moorgate  
Street, Rotherham. S60  
2TH

Date: Thursday, 28 September  
2017

Time: 2.00 p.m.

### A G E N D A

1. Apologies for Absence.
2. Declarations of Interest.
3. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
4. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
5. Minutes of the previous meeting held on 29th June, 2017 (herewith) (Pages 1 - 4)
6. Outcome of Standards and Ethics Sub Committee Hearing re Alleged Breach of the Code of Conduct (report herewith) (Pages 5 - 11)
7. Training Update and Revised Standards Bulletin (Recent Updates in Standards and Ethics) (report herewith - Appendix 1 to follow) (Pages 12 - 19)
8. A Review of Concerns raised pursuant to the Whistleblowing Policy (report herewith - Appendix 1 to follow) (Pages 20 - 23)
9. Consideration of Complaints (report herewith) (Pages 24 - 28)
10. Date and Time of Next Meeting - Thursday, 11th January, 2018 at 2.00 p.m.



**S. KEMP,**  
Chief Executive.

**STANDARDS AND ETHICS COMMITTEE**  
**Thursday, 29th June, 2017**

Present:- Councillor McNeely (in the Chair); Councillors Allen, Andrews, Brookes, Ireland and Simpson, Mr. D. Bates, Mr. D. Rowley and Mr. R. Swann (Parish Council Representatives) and also Ms. A. Dowdall and Mr. P. Edler (Independent Co-optees).

Along with Mr. P. Beavers (Independent Person).

Apologies for absence were received from Mrs. J. Porter and Mr. D. Roper-Newman.

**34.            DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**35.            MINUTES OF THE PREVIOUS MEETING HELD ON 9TH MARCH, 2017**

Consideration was given to the minutes of the previous meeting held on 9<sup>th</sup> March, 2017.

**Resolved:-** That the minutes of the meeting of the Standards and Ethics Committee held on 9<sup>th</sup> March, 2017 be approved as a true and correct record of the proceedings.

**36.            PROPOSED AMENDMENTS TO THE CONSTITUTION - STANDING ORDERS**

Consideration was given to the report presented by James McLaughlin, Democratic Services Manager, and John Austin, Chairman of the Association of Democratic Services Officers, which detailed the proposals following the review of the effectiveness of the Constitution to strengthen accountability and transparency in decision making, which had been undertaken by the Association of Democratic Services Officers (ADSO) to provide external challenge and recommendations to strengthen various parts of the Constitution.

This report focused specifically on Association of Democratic Services Officers' recommendations to amend Standing Orders, which were found at Appendix 4 to the Constitution. It has been some time since Standing Orders have been reviewed in full and Association of Democratic Services Officers have compared the Council's current procedures to the good practice in other local authorities. This report summarised the main proposed changes to be made, which included simplifying language and removing unnecessary provisions or procedures which do not add value to the Council's governance framework.

A further updated copy of the recommended changes was circulated to all those present following consideration by the Constitution Working Group on 28th June, 2017 and their detailed comments identified.

The Committee discussed the suggested amendments in detail and were in agreement with all suggested and combined with the comments from the Constitution Working Group were happy to recommend to Council.

**Resolved:-** (1) That the Council be recommended to approve the amendments relating to Standing Orders set out in Appendix A.

(2) That the Council be recommended to approve the renaming of Standing Orders to Council Procedure Rules.

(3) That the Financial Regulations and Contract Standing Orders be included in an enlarged Appendix 5, to be known as Contract Procedure Rules.

**37. TRAINING UPDATE AND STANDARDS BULLETIN (RECENT UPDATES IN STANDARDS AND ETHICS)**

Consideration was given to the report presented by Sumera Shabir, Legal Services, which provided an update on recent training provided to members of Parish and Town Councils (15th June, 2017) on codes of conduct and standards and ethics generally

The report detailed the evening training session which was well attended.

The training highlighted the need for good governance and general discussion was facilitated around transparency.

The training was very well received as attendees were able to network with others in the session in groups and future themes for training were suggested. An invitation was also extended to the Chair, Vice-Chair and/or Independent Person to observe some Parish and Town Council meetings.

A further separate meeting with Parish Clerks was currently being arranged at a suitable location.

It was also noted that the Yorkshire Local Councils Association also provided specific training for Clerks as well as Town and Parish Councillors. Liaison would take place as to whether some joint training sessions could be accommodated.

Discussion ensued on the merits of providing voluntary training, location accessibility, whether training could be made mandatory and Parish Council training budgets.

Additionally, a bulletin was circulated to all those present which reported on recent and key updates in standards and ethics (based on versions produced by the North Yorkshire Fire and Rescue Authority Bulletin and other such material) and for this to also be widely circulated to members of Parish and Town Councils in Rotherham.

Discussion again ensued on accessibility of the information links, length of the bulletin and ensuring it was as user friendly as possible.

**Resolved:-** (1) That the information about the training session be noted.

(2) That the actions to be taken following the training session be noted.

(3) That any future training initiatives to be undertaken with Parish and Town Councils be identified.

(4) That the content of the bulletin be noted.

(5) That the bulletin be distributed to Members and Parish and Town Councils in Rotherham.

**38. STANDARDS AND ETHICS COMMITTEE - REVIEW OF CODE OF CONDUCT AND ASSOCIATED PROCEDURES**

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which provided an update on the progress of the Standards and Ethics Committee Working Group, in its review of the Code of Conduct and associated procedures.

It was felt appropriate by the Working Group, following consultation with Commissioner Sir Derek Myers, that the Code of Conduct, having recently been reviewed, should remain in its current form.

The Working Group, having made several amendments to the procedure, were of the view that the version as now presented was more efficient and easier to use.

Further information was provided on the changed elements of the procedure and whether or not any complaints had a right to confidentiality. It was formally agreed that the decision notices on the outcome of the hearing should be made public.

**Resolved:-** (1) That the Working Group recommendation that the Code of Conduct remain the same be noted.

(2) That the revised Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct within Rotherham Borough Council be recommended for approval by Council on the 13<sup>th</sup> September, 2017.

**39. A REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY**

Consideration was given to the report presented by Stuart Fletcher, Deputy Monitoring Officer, which provided an update on concerns raised

**STANDARDS AND ETHICS COMMITTEE - 29/06/17**

pursuant to the Whistleblowing Policy and the actions taken to address these matters.

A copy of the anonymised Whistleblowing record was circulated to all those present.

The Committee welcomed the report, but suggested for all future submissions an issue conclusion column be included.

**Resolved:-** That the Whistleblowing concerns raised since September, 2016 and the actions taken to address these matters be noted.

**40. STANDARDS AND ETHICS COMMITTEE - CONSIDERATION OF COMPLAINTS**

The Assistant Director, Legal Services (and Monitoring Officer) submitted a report detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Co-opted Members. The report listed nine current cases of complaint and the action being taken in respect of each one and also the conclusion date for a further five listed.

The Committee discussed the cases highlighted within the submitted report and commented on the timeframes for some of the investigations and the need for these to be concluded a little quicker.

The Deputy Monitoring Officer reported to the Committee that as part of the investigation of complaints a panel to consider one case had been convened and briefly shared the outcome. Further details would be provided to the next meeting in due course.

In addition, it was further reported that evidence had been requested in writing from the Secretary of State following letters to the Members of Parliament on the sanctions and powers that the Standards and Ethics Committee could impose on individuals that had been found guilty for breaches of the code of conduct.

**Resolved:-** (1) That the report be received and its contents noted.

(2) That the progress in respect of each case be noted.

**41. DATE AND TIME OF NEXT MEETING**

**Resolved:-** That the next meeting of the Standards and Ethics Committee take place on Thursday, 28<sup>th</sup> September, 2017 at 2.00 p.m

## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Ethics Committee Meeting - 28<sup>th</sup> September, 2017

#### **Title**

Outcome of Standards and Ethics Sub Committee Hearing re Alleged Breach of the Code of Conduct

#### **Is this a Key Decision and has it been included on the Forward Plan?**

No

#### **Strategic Director Approving Submission of the Report**

N/A

#### **Report Author(s)**

Stuart Fletcher, Service Manager (Commercial and Property), Legal Services,  
Riverside House, Main Street, Rotherham S60 1AE  
Tel : 01709 823523

Dermot Pearson, Assistant Director, Legal Services, Riverside House, Main Street,  
Rotherham S60 1AE  
Tel : 01709 255768

#### **Ward(s) Affected**

All

#### **Executive Summary**

This report sets out the outcome of a Standards and Ethics Sub Committee Hearing which took place on 26<sup>th</sup> June 2017 in relation to an alleged breach of the Code of Conduct for Members by Brian Lewis a Town Councillor at Dinnington St. John's Town Council.

#### **Recommendations**

It is recommended that the Standards Committee:

- (i) Note the sanctions imposed by the Sub-Committee at the hearing
- (ii) Consider any issues arising out of this matter

#### **List of Appendices Included**

None

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

**Title:**

Outcome of Standards and Ethics Sub Committee Hearing re Alleged Breach of the Code of Conduct

**1. Recommendations**

It is recommended that the Standards and Ethics Committee:

- (i) Note the sanctions imposed by the Sub-Committee at the hearing
- (ii) Consider any issues arising out of this matter

**2. Background**

- 2.1 The Sub-Committee hearing took place on the 26<sup>th</sup> June 2017. Cllr. Lewis attended the Hearing but upon seeing those present refused to participate in the hearing and left the meeting room, indicating that he could have brought his own witnesses if he had known that the complainants would be attending. The Democratic Services Officer spoke to Cllr. Lewis outside the meeting room and reported back to the Sub-Committee that she had asked Cllr. Lewis if he wished to return to the meeting room or for the hearing to be deferred and that he had said he did not wish the hearing to be deferred and stated that the Sub-Committee could do as it wished.
- 2.2 The Democratic Services Officer also reported to the Sub-Committee that the correspondence sent to the Cllr. Lewis prior to the Hearing included the names of the Sub-Committee members, enclosed a copy of the investigation report and also enclosed a copy of the hearing procedure which included reference to the presence of witnesses.
- 2.3 The Panel considered whether the Hearing should proceed in the Cllr. Lewis's absence, and having regard to the views of Cllr. Lewis as reported to them and the correspondence sent to him prior to the Hearing decided that they should do so.

**The Complaint**

- 2.4 The Presenting Officer presented his investigation report to the Sub-Committee.
- 2.5 The complaint can be summarised as relating to Cllr. Lewis's use of the racial slur "XXXX" when asking a question of the South Yorkshire Police and Crime Commissioner at a meeting of the Town Council held on 13 June 2016. The audio recording of the meeting had previously been disclosed to the Cllr. Lewis and was played to the Sub-Committee. The words in question were:

44:20 on the recording:

Cllr Lewis: "One case that happened to ..... She came in to see her workmates to the bus station and there were a foreigner, a XXXX"



Chairman: "Don't do that, don't call them that"

Cllr Lewis: "Well he were one"

Chairman: "Well apologise"

Cllr Lewis: "and he tried to get her to go on a bus and kept touching her..."

1:00:20 on the recording:

Cllr Lewis: "I'd just like to apologise."

Chairman: "Yeah that's OK thanks Councillor."

- 2.6 On 28 June 2016 the Chair of the Town Council wrote to Cllr. Lewis about his comments at the meeting and met with him on 29 June 2016 to discuss his conduct.
- 2.7 Following receipt of the formal complaints, the views of Cllr. Lewis and of Mr P Beevers (Independent Person) were sought. Further to the recommendation of the Independent Person the Deputy Monitoring Officer met with Councillor Lewis together an Equalities officer on 3rd March 2017. It was not possible for the matter to be resolved informally.
- 2.8 The Panel also heard evidence from the complainant a member of the public who attended the Town Council meeting on 13 June 2016. The Complainant re-iterated the written complaint she had made.

### **Cllr. Lewis's Response**

- 2.9 In the absence of the Cllr. Lewis the Sub-Committee considered his written representations in response to the complaint and his further written representations in advance of the Hearing.
- 2.10 In his written representations the Cllr. Lewis had made the following points:
- The complaint had already been dealt with by the Town Council
  - He had apologised for what he had said
  - The Complainant had a vendetta against him and delayed in bringing her complaint.
  - The complaint was simply the complainant's opinion
  - The Town Council met to discuss his conduct at the meeting on 13th June 2017 and no further action was taken

## **The Dinnington St John's Town Council Code of Conduct for Elected Members and Co-opted Members**

- 2.11 The Code of Conduct includes the following requirements and prohibitions:

3. (1) *You must treat others with respect.*

(2) *You must not:-*

*(a) do anything which may cause the Council to breach any of the equality duties;*

and

*5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

And the Code of Conduct includes the following:

### **Scope**

2. (1) *Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you –*

*(a) conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed); or*

*(b) act, claim to act or give the impression you are acting as a representative of the Council.*

### **The Findings of the Sub-Committee**

- 2.12 The Sub-Committee considered whether the Code of Conduct applied to Cllr. Lewis's conduct at the Town Council meeting on 13 June 2016 and concluded that Cllr. Lewis was conducting the business of the Town Council when he made his comments and that he was subject to the Code of Conduct when he made them.
- 2.13 The Sub-Committee considered whether Cllr. Lewis had used the word "XXXX" at the meeting of the Town Council on 13 June 2016. The Sub-Committee had regard to the audio recording of the meeting in which Cllr. Lewis used the word "XXXX", to the lack of any denial by Cllr. Lewis and concluded that he had done so.
- 2.14 The Sub-Committee had regard to the views of the Independent Person who said that, taking into account the content of the recording, Cllr. Lewis was in breach of the Town Council's Code of Conduct.

- 2.15 The Sub-Committee considered whether by making his comments Cllr. Lewis had breached the requirements of the Code of Conduct. Having regard to the unacceptable racist nature of the word “XXXX” the Sub-Committee found that Cllr. Lewis had breached the requirements of the Code of Conduct relating to treating others with respect, not doing anything which may cause the Town Council to breach any of the equality duties and concluded that his conduct could reasonably be regarded as bringing both his own office and the Town Council into disrepute.

### **The Sub-Committee’s Decision**

- 2.16 In the light of its findings the Sub-Committee resolved that:

- (1) This decision be reported to Dinnington St. John’s Town Council
- (2) The decision that Councillor Lewis had breached the Dinnington St. John’s Town Council Code of Conduct be published.
- (3) A recommendation is made to Town Councillor Lewis that he formally apologise at the next meeting of Dinnington St. John’s Town Council and this be minuted accordingly.
- (4) A recommendation is made to the Clerk of Dinnington St. John’s Town Council that the apology, as recommended for Town Councillor Lewis, be formally recorded at the next Town Council meeting.
- (5) A recommendation is made that Town Councillor Lewis be invited and encouraged to attend Equalities training.

## **3. Key Issues**

- 3.1 The key issues are set out above.

## **4. Options considered and recommended proposal**

- 4.1 All relevant options in respect of available sanctions were considered by the Sub-Committee.

## **5. Consultation**

- 5.1 The Standards and Ethics Committee Independent Persons was consulted in respect of this complaint and was in attendance at the hearing.

## **6. Timetable and Accountability for Implementing this Decision**

- 6.1 The decision has been reported to the Dinnington Town Council. Further Cllr Lewis has been made aware of the decision and the recommendations as they apply to him.

**7. Financial and Procurement Implications**

7.1 The officer time in dealing with this complaint is met within existing Legal Services resources.

**8. Legal Implications**

8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

**9. Human Resources Implications**

9.1 None

**10. Implications for Children and Young People and Vulnerable Adults**

10.1 None

**11. Equalities and Human Rights Implications**

11.1 None

**12. Implications for Partners and Other Directorates**

12.1 None

**13. Risks and Mitigation**

13.1 None

**14. Accountable Officer(s)**

Dermot Pearson, Assistant Director, Legal Services

## **Summary Sheet**

### **Standards Committee Report**

Standards and Ethics Committee - 28<sup>th</sup> September, 2017

#### **Title**

Training Update and Revised Standards Bulletin (Recent Updates in Standards and Ethics)

#### **Is this a Key Decision and has it been included on the Forward Plan?**

No

#### **Strategic Director Approving Submission of the Report**

N/A

#### **Report Author(s)**

Sumera Shabir, Legal & Democratic Services, Riverside House, Main Street,  
Rotherham S60 1AE  
Tel : 01709 823568

Dermot Pearson, Assistant Director Legal Services, Riverside House, Main Street,  
Rotherham S60 1AE

#### **Ward(s) Affected**

All

#### **Executive Summary**

A update on the future proposed training for members of Parish and Town Councils on codes of conduct and standards and ethics generally and a revised (shortened) version of the bulletin reporting on recent and key updates in standards and ethics.

#### **Recommendations**

That the Committee notes the information about upcoming training sessions, identifies future training initiatives to be undertaken with Parish and Town Councils and notes the revised version of the bulletin that has been distributed Parish and Town Councils in Rotherham and agrees publishing this on the Council's website.

**List of Appendices Included**

Appendix 1 – Training – Role Play Scenario Example (to be distributed at the meeting)

Appendix 2 – Rotherham Standards and Ethics Bulletin

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

**Title**

Training Update and Standards Bulletin (Recent Updates in Standards and Ethics)

**1. Recommendations**

- 1.1 That the Standards and Ethics Committee:
- (i) notes the update about future training sessions
  - (ii) identifies future training initiatives to be undertaken with Parish and Town Councils
  - (iii) notes the content of the revised bulletin that has been distributed to Parish and Town Councils in Rotherham.
  - (iv) agrees uploading the bulletin onto Council's website.

**2. Background**

**TRAINING SESSION**

- 2.1 Following discussions about previous training sessions with Parish and Town Councillors (together with clerks) on the Code of Conduct and standards and ethics generally, it was suggested that a different training method could be used and an example of role play training was discussed (see Appendix 1).
- 2.2 At the previous session, the clerks agreed that it would be beneficial to arrange a further separate meeting with all the clerks; where the Monitoring Officer could offer support and facilitate new and existing clerks to form a network. As well as arranging this at a suitable location for the clerks, a session focusing on chairing skills is being arranged.

**BULLETIN**

- 2.3 Following discussions with the Standards and Ethics Committee and conclusion of training to members of Parish and Town Councils in Rotherham, it was felt that a short bulletin (Appendix 2) reporting on key updates in standards and ethics (based on versions produced by the North Yorkshire Fire and Rescue Authority Bulletin and other such material) ought to be distributed widely to members of Parish and Town Councils in Rotherham and potentially even on the Council's website.

**3. Key Issues**

- 3.1 It is important that Parish Council's and Town Council members are supported in understanding issues in relation to the Code of Conduct and Standards generally.

**4. Options considered and recommended proposal**

4.1 Recommendations have been referred to above.

**5. Consultation**

5.1 N/A

**6. Timetable and Accountability for Implementing this Decision**

6.1 The Monitoring Officer will be responsible for implementing any decisions arising from this report.

**7. Financial and Procurement Implications**

7.1 None

**8. Legal Implications**

8.1 The Council and Standards and Ethics Committee have a statutory duty to uphold ethical standards. Training Parish and Town Councillors (together with clerks), assists in fulfilling this duty.

**9. Human Resources Implications**

9.1 None

**10. Implications for Children and Young People and Vulnerable Adults**

10.1 None

**11. Equalities and Human Rights Implications**

11.1 The training and bulletin applies equally to all Parish and Town Councils.

**12. Implications for Partners and Other Directorates**

12.1 None

**13. Risks and Mitigation**

13.1 None

**14. Accountable Officer(s)**

Dermot Pearson, Assistant Director, Legal Services



**APPENDIX 2**

## **Rotherham Borough Council – Standards and Ethics Bulletin**

### **Key Contacts:**

- Councillor McNeely (Chair of Standards and Ethics Committee)  
[Rose.McNeely@rotherham.gov.uk](mailto:Rose.McNeely@rotherham.gov.uk)
- Councillor Allen (Vice Chair of Standards and Ethics Committee)  
[Sarah.Allen@rotherham.gov.uk](mailto:Sarah.Allen@rotherham.gov.uk)
- Dermot Pearson (Monitoring Officer and Solicitor)  
[Dermot.Pearson@rotherham.gov.uk](mailto:Dermot.Pearson@rotherham.gov.uk)
- Stuart Fletcher (Deputy Monitoring Officer and Solicitor)  
[Stuart.Fletcher@rotherham.gov.uk](mailto:Stuart.Fletcher@rotherham.gov.uk)
- Sumera Shabir (Solicitor)  
[Sumera.Shabir@rotherham.gov.uk](mailto:Sumera.Shabir@rotherham.gov.uk)

### **Seven (Nolan) Principles of Public Life:**

**Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership**

### **Members Interests:**

Members must register and disclose '**disclosable pecuniary interests**' as set out in regulations and detailed in the Members' Code of Conduct, and **membership of any trade unions or professional associations** (as 'interests other than a disclosable pecuniary interests'), but generally no wider, non-pecuniary, interests (eg membership of public and charitable bodies) unless a Member holds a position/office within the body for profit or gain.

See the Council's Code for the detailed descriptions:

[http://www.rotherham.gov.uk/downloads/file/293/appendix\\_6 -  
code of conduct for members and co-opted members - january 2017](http://www.rotherham.gov.uk/downloads/file/293/appendix_6_-_code_of_conduct_for_members_and_co-opted_members_-_january_2017)

Electronic copies of Members' Interests forms are published on the Council's website – see:

[http://www.rotherham.gov.uk/downloads/download/30/register\\_of\\_members\\_interests\\_forms](http://www.rotherham.gov.uk/downloads/download/30/register_of_members_interests_forms)

**PLEASE NOTE:** a Member commits a **criminal offence** if, without reasonable excuse, s/he

- fails to: register disclosable pecuniary interests, disclose an interest to a meeting where required or- notify the Monitoring Officer of an interest disclosed to a meeting
- participates in any discussion or vote where prohibited
- an individual Member decision taker takes any steps in relation to a matter where prohibited

A Member also commits a **criminal offence** if, in relation to the registration/disclosure of interests, s/he provides information that is false or misleading and:

- knows that the information is false or misleading, or
- is reckless as to whether the information is true and not misleading.

A court may also disqualify the person, for up to 5 years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.

**Members Interests' issues are ultimately Members' responsibility. Please therefore keep your interests form under review** to ensure it is up to date (within 28 days of becoming aware of a new interest or a change to an existing interest). Please contact Jillian Dimpleby on 01709 254437 to make any amendments or discuss anything with the Monitoring Officer.

**Committee on Standards in Public Life (CSPL):**

In their recent Annual Report 2015-2016 and Forward Plan 2016-2017, the CSPL are intending maintain 'a watching brief' of local government standards regimes and changes resulting from the Localism Act 2011, note the importance of the Independent Person, the falling rate of vexatious complaints and concerns about the effectiveness of the standards regime.

See link for full report (especially paragraphs 78 to 82):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543819/CSPL\\_Annual\\_Report\\_2015-2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543819/CSPL_Annual_Report_2015-2015.pdf).

**CSPL – Review of Ethics for Regulators:**

The CSPL finished its review of ethics for regulators and published its 'heath check' report 'Striking the Balance – Upholding the Seven Principles of Public Life in Regulation', making a series of best practice recommendations to ensure fairness and integrity in processes and to ensure public trust in UK regulation.

See the full report: <https://www.gov.uk/government/publications/striking-the-balance-upholding-the-7-principles-in-regulation>

**Councillor Commission Report:**

The Councillor Commission, is run by De Montfort University's Local Government Research Unit, in partnership with The Municipal Journal and is conducting a national independent review of the role and work of the Councillor and their contribution to the governance of their communities and the country.

The interim report is available (setting out their initial finding and general emerging themes and trends: <http://www.dmu.ac.uk/documents/business-and-law-documents/cc-interim-report-oct-16-final-3.pdf>

For more information is available on the Unit's website:

<http://www.dmu.ac.uk/research/research-news/2016/january/overworked-underpaid-and-unpopular-%E2%80%93-why-would-anyone-be-a-councillor-most-comprehensive-ever-review-aims-to-find-out.aspx>

**Law Commission Consultation on Misfeasance in Public Office**

The Law Commission recently undertook a consultation to reform of the law on misconduct in public office. See link for further details: <http://www.lawcom.gov.uk/project/misconduct-in-public-office/>

**Recent Cases:**

**North Norfolk District Council**

This case required the authority to disclose a draft standards investigation report arising from a Councillor's alleged breach of code of conduct. The Councillor left office before the standards committee never considered the draft report.

Disclosure was held to be in the public interest, conflicting with recent cases where the strong expectation of privacy in disciplinary/complaints matters was given more weight.

**Honiton Town Council**

A Councillor was found to have breached the Town Council's Code of Conduct requirements to treat others with courtesy and respect and sanctions were imposed. The Councillor took judicial review proceedings against the Council despite them later removing the sanctions (save for censure) and offering to pay the Councillor's costs.

The Court issued a quashing order for the unlawful sanction(s), dismissed the rest of the claim and upheld the Council's offer to pay the Councillors costs – but until the Council resolved any doubt as after that, the Councillor's continuation of the case was unreasonable.

**Sandwell Council**

This case upholds the scope of the Council's powers to investigate alleged impropriety by a Councillor, in accordance with the Localism Act 2011.

The Member's application for judicial review of the initiation of formal investigatory procedures and publication of documents was dismissed. The Council had power to conduct the said pre-formal investigations and was not, or been tainted by bias, or erred by publishing the documents – so it was not a breach of data protection principles.

This case recognises the public interest in serious allegations being thoroughly tested.

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For more information on any of the content/make a contribution to the next publication, please contact Sumera Shabir on [sumera.shabir@rotherham.gov.uk](mailto:sumera.shabir@rotherham.gov.uk).

## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Committee - 28<sup>th</sup> September 2017

#### **Title**

A Review of Concerns raised pursuant to the Whistleblowing Policy

#### **Is this a Key Decision and has it been included on the Forward Plan?**

No

#### **Strategic Director Approving Submission of the Report**

N/A

#### **Report Author(s)**

Stuart Fletcher, Service Manager (Commercial and Property), Legal Services,  
Riverside House, Main Street, Rotherham S60 1AE  
Tel : 01709 823523

Dermot Pearson, Assistant Director Legal Services, Riverside House, Main Street,  
Rotherham S60 1AE

#### **Ward(s) Affected**

All

#### **Executive Summary**

A report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

#### **Recommendations**

- (i) That the Committee notes the Whistleblowing concerns raised since September 2016 and the actions taken to address these matters.

#### **List of Appendices Included**

Appendix 1 - Schedule of Whistleblowing Concerns

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

**Title**

A Review of Concerns raised pursuant to the Whistleblowing Policy

**1. Recommendations**

- 1.1 That the Committee notes the Whistleblowing concerns raised since September 2016 and the actions taken to address these matters.

**2. Background**

- 2.1 This report provides an overview of the Whistleblowing cases which have been received over the past year. At the previous meeting members requested that further information be provided in relation to those matters on the schedule presented at the meeting.
- 2.2 A description of the concerns received since Sept 2016, along with the relevant action to address these matters is at Appendix 1. This is appropriately anonymized in order not to identify the whistleblower, pursuant to the policy in respect of confidentiality.

**3. Key Issues**

- 3.1 Matters reported are described within Appendix 1. It is important for the Committee to retain oversight of matters being reported pursuant to the Whistleblowing Policy.

**4. Options considered and recommended proposal**

- 4.1 Recommendations have been referred to above.

**5. Consultation**

- 5.1 N/A

**6. Timetable and Accountability for Implementing this Decision**

- 6.1 N/A

**7. Financial and Procurement Implications**

- 7.1 Any work undertaken by Legal Services in dealing with these matters is within the budget for Legal Services.

**8. Legal Implications**

- 8.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangements for dealing with concerns raised through the policy.

**9. Human Resources Implications**

- 9.1 None

**10. Implications for Children and Young People and Vulnerable Adults**

10.1 None

**11. Equalities and Human Rights Implications**

11.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

**12. Implications for Partners and Other Directorates**

12.1 None

**13. Risks and Mitigation**

13.1 There is a risk that if serious misconduct is not reported pursuant to the Whistleblowing Policy, serious issues will not be appropriately investigated and addressed.

**14. Accountable Officer(s)**

Dermot Pearson, Assistant Director, Legal Services



## **Summary Sheet**

### **Standards and Ethics Committee Report**

Standards and Ethics Committee Meeting - 28<sup>th</sup> September 2017

#### **Title**

Standards and Ethics Committee - Consideration of Complaints

#### **Is this a Key Decision and has it been included on the Forward Plan?**

No

#### **Strategic Director Approving Submission of the Report**

N/A

#### **Report Author(s)**

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#### **Ward(s) Affected**

All

#### **Executive Summary**

A report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

#### **Recommendations**

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

#### **List of Appendices Included**

Appendix 1 – Schedule of Complaints and actions taken

#### **Background Papers**

None

#### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relates to an individual).

## **Title**

### **Standards and Ethics Committee - Consideration of Complaints**

#### **1. Recommendations**

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

#### **2. Background**

2.1 A Schedule of complaints received and actions taken in respect of those complaints is at Appendix 1.

2.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

#### **3. Key Issues**

3.1 The nature of each complaint is set out in the Schedule at Appendix 1. Any common themes arising from the Committee's overview of complaints should be identified. Further the members of the Committee may make suggestions in relation to means of addressing common issues which arise in the complaints.

#### **4. Options considered and recommended proposal**

4.1 Options for dealing with the complaints are set out in the Complaints procedure and the action taken in respect of each complaint is set out in the Schedule.

#### **5. Consultation**

5.1 One of the Standards and Ethics Committee Independent Persons is consulted in respect of each complaint.

#### **6. Timetable and Accountability for Implementing this Decision**

6.1 N/A

#### **7. Financial and Procurement Implications**

7.1 The officer time in dealing with these complaints is met within existing Legal Services resources.

#### **8. Legal Implications**

8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011, the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

**9. Human Resources Implications**

9.1 None

**10. Implications for Children and Young People and Vulnerable Adults**

10.1 None

**11. Equalities and Human Rights Implications**

11.1 None

**12. Implications for Partners and Other Directorates**

12.1 None

**13. Risks and Mitigation**

13.1 None

**14. Accountable Officer(s)**

Dermot Pearson, Assistant Director, Legal Services

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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